

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 44 and 46 - 70 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 4, 8, 21, 26, 35, 36, 42, 48, and 57 have been amended and claims 37 and 38 have been cancelled without prejudice.

In the office action mailed June 19, 2007, claims 1 - 41 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,636,038 to Lynt et al.; claims 2, 13, 16 - 18, 21, 28 - 32, 35 - 38, 44, 52, 59 - 64, and 67 - 70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent No. 3,831,296 to Hagle; claims 10 - 12, 39 - 41, 50, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent No. 6,240,392 to Butnaru et al.; and claims 33, 34, 65, and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent Publication No. 2004/0098256 to Nissen.

The foregoing rejections are traversed by the instant response.

With regard to the rejection under 35 U.S.C. 112, second paragraph, the rejection of claim 1 on indefiniteness grounds is not well founded. MPEP 2171 points out that there are two separate requirements set forth in the second paragraph of section 112. They are that the claims (a) must set forth the subject matter which Applicant claims as his invention, and (b) must particularly point out and distinctly define the metes and

bounds of the subject matter that will be protected by the patent grant. With regard to the former requirement, there is no question that Applicant has set forth the subject matter which he claims as his invention. A rejection would only be proper where Applicant has stated somewhere other than in the application as filed that the invention is something different from what is defined by claims 13 and 21. Applicant has made no such statement and the Examiner has not pointed to any such statement. Thus, Applicant has satisfied the first requirement of section 112, second paragraph.

With regard to the second requirement, the issue is whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. A rejection on this basis would only be appropriate where the scope of the invention sought to patented cannot be determined from the language of the claim with a reasonable degree of certainty. See MPEP 2173.02. It is submitted that Applicant has complied with this requirement. The Examiner in making this rejection only says that the step of providing information about said visual images to said handicap person is vague and indefinite. Applicant submits that is not true. The language of claim 1 is clear and readily understood by one of ordinary skill in the art reading the claims in light of the specification. The fact that Applicant does not state in the claim how the information of the visual images is collected does not render the claim indefinite. The second paragraph of section 112 does not require that Applicant provide all the details set forth in the detailed description in claim 1. Applicant submits that the notice requirements of the patent statutes are met by the claim language.

Still further, Applicant has defined in claim 1 what he considers the invention to be - namely, the method of

communicating the visual images to the handicapped person. Section 112, second paragraph, requires nothing more. For these reasons, the rejection of claims 1 - 41 on these grounds should be withdrawn.

With respect to the objection to claim 21, appropriate amendment has been made.

Regarding claims 35 - 38, they have been amended to remove the "aggression group," "neutral group," and "pleasant group" language. Thus, this rejection is now moot.

With respect to the rejection of claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58 on anticipation grounds over Lynt et al., this rejection should be withdrawn for the following reasons. It is well settled law that an anticipatory reference must describe the subject matter of the claim with sufficient clarity and detail to establish that the claimed subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention. See *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1991); also see *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988). As will be seen from the following discussion, the Lynt patent relied upon by the Examiner does meet this test and therefore is not an anticipatory reference.

Claim 1 is directed to a method for communicating visual images to a handicapped person, which method comprises the steps of providing at least one device for physically transmitting information to said handicapped person; and providing information about the visual images to the handicapped person. The information providing step comprises delivering a key word describing a portion of a visual image to said handicapped person using said at least one device. Lynt et al. does not perform the step of delivering a key word which describes a

portion of a visual image to the handicapped person. In Lynt et al., information about the visual information is delivered to the handicapped person in the form of a representation of the view of the imaging means. Lynt et al. gives an example of what is done. They say that if the visual image was an apple, the tactile display means could form a 3-dimensional tactile image of the surface of the apple. See column 3, line 57 to column 4, line 1. In other words, Lynt et al. does not communicate information about the image in the form of a word. It is clear from Lynt et al. that Lynt et al. were not in possession of the claimed invention set forth in claim 1.

Claims 3 - 9, 14, 15, 19, 20, and 22 - 27, these claims are allowable over Lynt et al. for the same reasons as claim 1 as well as on their own accord. Lynt et al. does not disclose (1) delivering the key word conveying the visual information to the handicapped person in the form of Braille (claim 3); (2) transmitting at least one physical input describing a dynamic element associated with the visual image to a palm of the handicapped person (claim 4); (3) transmitting a plurality of successive elements describing a motion to the palm of the handicapped person (claim 5); (4) transmitting a continuance signal (claims 6 and 7); (5) delivering information about a musical background associated with the visual image (claims 8 and 9); (6) transmitting information about the visual images to the back of at least one finger (claim 14); (7) transmitting information about the character of a person displayed in the visual images (claim 15); (8) transmitting information about a particular group (claim 20); (9) transmitting information about lighting to the front portion of the at least one finger (claim 22); (10) transmitting information about scenery to the front portion of the at least one finger (claim 23); (11) transmitting information about a place to the front portion of the at least

one finger (claim 24); (12) transmitting information about an activity to said front portion of said at least one finger (claim 25); and (13) transmitting information about a dialogue associated with the visual image (claims 26 and 27).

With regard to the Examiner's comments in the second and third paragraphs of page 4 of the office action, Lynt et al. never specifically says in column 3, lines 36 - 66 or in column 5, lines 15 - 34 that a dynamic element is described or that motion is described in the palm or that a continuance signal is transmitted. Lynt et al. only says that an image of the article is transmitted to the palm. In other words, Lynt et al. does not disclose the specifics of claims 4 - 7.

With respect to the Examiner's comments in the fourth paragraph on page 4 of the office action, Lynt et al. never says that information about the musical background associated with the visual images is transmitted to the handicapped person. As for the inherency argument advanced by the Examiner, the Examiner has not established same. The Examiner is required to do more than put forth a conclusory statement. The Examiner needs to show that the claim limitation is necessarily present and would be so recognized by those of skill in the art. It is noticed that the Examiner has not supplied any extrinsic evidence to show that the claimed subject matter is necessarily present.

With regard to the Examiner's comments in the paragraph bridging pages 4 and 5 of the office action, once again, the Examiner has not established inherency. For example, the Examiner has not explained why it is absolutely clear that the claimed information is being transmitted to the claimed finger portions. In this regard, it should be noted that Lynt et al. talks about transmitting signals to a palm, not the fingers.

With regard to the Examiner's comments in the first full paragraph on page 5 of the office action, Lynt et al. never says that information about a particular group is transmitted to the handicapped person. It is improper for the Examiner to try and interpret Lynt et al. to meet the claimed subject matter.

With regard to the Examiner's comments in the second full paragraph on page 5 of the office action, there is no disclosure in Lynt et al. of transmitting information about lighting to at least one finger. Lynt et al. disclose transmitting information to the palm.

With regard to the Examiner's comments in the third full paragraph on page 5, once again there is no disclosure in Lynt et al. of transmitting the signals to the claimed finger portion.

With regard to the Examiner's comments in the fourth full paragraph on page 5 of the office action, there is no disclosure in Lynt et al. of transmitting information about a dialogue associated with the visual image as set forth in claim 26 or transmitting that information in the form of Braille to the fingertips of at last one hand or by impacts describing topics as set forth in claim 27.

All in all, the main problem with Lynt et al. as an anticipatory reference is that it is short on the specifics set forth in the aforementioned claims.

With respect to claim 42, it is essentially allowable for the same reasons as claim 1. The Lynt et al. device lacks any means for delivering a key word associated with the visual images to the handicapped person. Lynt et al., while being directed to a similar device, delivers information about the visual object in the form of 3-dimensional tactile images and not in the form of a word. Further, as previously discussed, Lynt et al. does not disclose any means for delivering at least

one physical input describing a dynamic element associated with the visual images.

Claims 43, 46 - 49, and 53 - 58 are allowable for the same reasons as claim 42 as well as on their own accord. Claims 46 - 49 and 53 - 58 are allowable for the reasons previously set forth in connection with their method counterparts.

The rejections on obviousness grounds are duly noted; however, they are moot in view of the aforementioned deficiencies of Lynt. The secondary references to Hagle, Butnaru et al., and Nissen do not cure the aforementioned deficiencies of Lynt et al. Thus, claims 2, 10 - 13, 16 - 18, 21, 28 - 36, 39 - 41, 44, 50 - 52, and 59 - 70 are allowable for the same reasons as their parent claims.

The instant application is believed to be allowable for the foregoing reasons. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

The instant amendment should be entered since it does not raise any new issue which requires further consideration and/or search on the part of the Examiner. Further, the amendment does not raise any issue of new matter.

A notice of appeal is attached hereto in the event that the Examiner maintains the rejections of record. Also enclosed is a check in the amount of \$250.00 to cover the cost of the notice of appeal.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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Date: September 19, 2007

I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on September 19, 2007.

